

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

|                         |   |                               |
|-------------------------|---|-------------------------------|
| EMMANUEL DUAH,          | ) |                               |
|                         | ) |                               |
| Petitioner,             | ) |                               |
|                         | ) |                               |
| v.                      | ) | Case No. 4:17-cv-2042-LSC-TMP |
|                         | ) |                               |
| ETOWAH COUNTY DETENTION | ) |                               |
| CENTER,                 | ) |                               |
|                         | ) |                               |
| Respondent.             | ) |                               |

MEMORANDUM OPINION

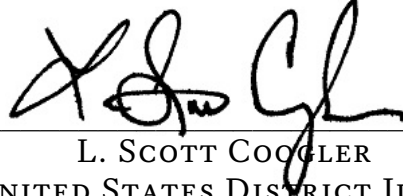
This case is before the court on Respondent's Motion to Dismiss Petition as Moot, filed August 22, 2018. (Doc. 7). In the motion, Respondent notes Petitioner was released from ICE custody and deported from the United States on June 19, 2018. (Doc. 7-1). Because Petitioner has been released, Respondent contends this case is due to be dismissed as moot.

On December 11, 2017, Petitioner filed a petition for writ of habeas corpus seeking to be released from custody pending his removal from the United States. (Doc. 1). Because Petitioner has been released from ICE custody, his petition seeking that very relief is moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir.2003) ("a case must be dismissed as moot if the court can no longer provide 'meaningful relief'"); *see also Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998) (once a

habeas petitioner is released from custody, he must demonstrate collateral consequences to avoid mootness doctrine). Accordingly, this matter is due to be dismissed. *Khader v. Holder*, 843 F. Supp. 2d 1202, 1202 (N.D. Ala. 2011).

A separate order will be entered.

**DONE AND ORDERED** ON AUGUST 27, 2018.



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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE

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